

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BIOGEN, INC., GENZYME
CORPORATION, and ABBOTT
BIORESEARCH CENTER, INC.,

Plaintiffs,

v.

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Defendant.

CIVIL ACTION No. 03-CV-11329-MLW

**[PROPOSED] ORDER OF DISMISSAL OF COUNTS II, III, AND IV AS TO
BIOGEN IDEC MA, INC. AND GENZYME CORPORATION**

For the reasons set forth in this Court's Memorandum and Order of November 5, 2004, the Court hereby dismisses without prejudice Counts II, III, and IV of the complaint in this action as to Biogen Idec MA, Inc. and Genzyme Corporation. This is a non-final order and not a separate and final judgment.

The Court retains jurisdiction over the claims hereby dismissed to enforce the provisions of this Order and Columbia University's Amended and Restated Covenant Not to Sue Plaintiffs for Infringement of the '275 Patent (the "Covenant") (Docket No. 165). The Covenant is hereby incorporated in this Order as if fully set forth herein.

UNITED STATES DISTRICT COURT